

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KUJTIM DEMIROVIC, RICHARD
REINOSO, MURTO AVDALOVIC
and SENAD PEROVIC,

15-cv-0327 (CLP)

Plaintiffs,

**PLAINTIFFS' PROPOSED
VOIR DIRE QUESTIONS**

-against-

FRANKLIN ORTEGA,
ROCIO UCHOFEN and
P.O. ITALIANISSIMO
RISTORANTE INC.,

Defendants.

In accordance with the agreed-upon Scheduling Order, Plaintiff, by and
through their undersigned counsel, hereby file their proposed voir dire questions:

1. Have you ever owned your own business? If yes, what kind of
business was it? Did you have any employees? If yes, how many?
2. Where do you work and for how long?
3. Are you paid salary or hourly?
4. Do you work more than 40 hours weekly? If so, do you get paid
overtime and minimum wages? If not, why not?
5. What position are you currently employed at?
6. Do you have any supervisory position at your job?

7. Do you have responsibility for hiring, firing or promoting people?
8. Have you ever had a bad experience as a juror, with a lawyer, or as a party to a lawsuit?
9. Do you or any of your family members or close friends work in a restaurant, bar or nightclub? If so please tell us about your or their work?
10. Has anyone close to you been involved in a lawsuit, either as the plaintiff or defendant? If so, do you think the system worked fairly in that case? Why or why not?
11. Have you ever felt you had a reason to sue but didn't? Why not?
12. How do you feel about workers requesting monetary damages for unpaid wages?
13. If an employer and the waiters who it employs agree that the waiters can only be compensated from customer tips, do you believe that agreement should override a law that says any employer has to pay wages to its waiters in addition to their tip income?
14. Will you follow and apply the law 100% to the facts of the case even if your personal opinion conflicts with the law and even if you believe the law is not right?

15. Have you ever had a wage dispute with any employer? If so, were you satisfied with the results?
16. Do you believe that wage agreements should be in writing so that there is a clear understanding as to how much hourly wages are to be paid to an employee?
17. Do you know what the Fair Labor Standards Act is? If so, how do you know this information?
18. Do you know what the New York Labor Law is? If so, how do you know this information?
19. Do you have any problem sitting in judgment over others due to personal beliefs of any nature?
20. Do you think there is a big difference between the burden of proof for a Plaintiff to prevail in a civil claim versus the burden of proof in a criminal case? What do you understand the difference to be?
21. Is there any question that should have been asked to you personally that would be necessary for us to know that you will be a fair juror?
22. Will you have any problem rendering a verdict against the Defendants if the Plaintiff proves his case?
23. Who do you believe should be responsible for maintaining records of hours worked and wages paid--- the employer or the employee?

24. Have you ever been a juror? If so, when and what type of case and were you able to reach a verdict? If not, why not?
25. Do you think it's too hard to fire people?
26. Have you ever worked with someone who should have been fired but wasn't?
27. Have you ever wanted to fire someone but were told you couldn't?
28. Have you ever been falsely accused of treating a subordinate unfairly?
29. Has a subordinate or co-worker ever complained to you that he or she was treated unfairly when in reality, they were just performing poorly?
30. If an employee sues an employer for unpaid wages, do you think an employer should be allowed to retaliate against the employee by countersuing the employee without having a good reason to do so?
31. Would you have any difficulty imposing punitive damages against an employer if you found that the employer maliciously filed counterclaims against an employee for filing a court complaint seeking to recover unpaid wages?

Dated: October 12, 2017

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